

AN ORDINANCE

07-O-1905

BY COUNCILMEMBER MARY NORWOOD

AS SUBSTITUTED BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE

AN ORDINANCE TO AMEND ARTICLE XXIV ENTITLED VENDING ON
PRIVATE PROPERTY; AND FOR OTHER PURPOSES.

Whereas, the City of Atlanta has an interest in regulating vending on private property; and

Whereas, the City of Atlanta Code of Ordinances currently imposes a two year time
limitation at the same location for outdoor private property vending; and

Whereas, the two year limitation creates a hardship for vendors at athletic and entertainment
venue events and allows a succession of daily same-location merchandise vendors in the
parking lots of neighborhood businesses.

THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS
AS FOLLOWS:

Section 1: Section 30-1461. **Definitions.** Is hereby amended by adding the following

“Athletic and Entertainment Vending” means the commercial enterprise of selling
merchandise to the general public on private property in connection with events held at
athletic or entertainment venues which have a seating capacity in excess of 3,500
persons.”

“Same location” means a property or group of contiguous or noncontiguous properties,
whether or not under common ownership, which are under a common street address,
both as house or building number and street name.”

“Short-term Merchandise Vending” means the commercial enterprise of selling
merchandise to the general public on private property for a period not in excess of 14
days. Short-term Merchandise Vending shall not include that sale of perishable goods or
services and cannot be combined with any other permit.”

Section 2: Section 30-1464 which currently provides as follows:

Sec. 30-1464. Vending restrictions and prohibitions.

(a) In addition to the provisions set forth in subsection 16-28.008(10), persons
vending on private property shall not be permitted to operate in the following areas:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.

Sec. 30-1467. Aesthetic standards.

- (a) Vending is permitted from skirted tables only. Tables shall not extend beyond the perimeter of the covered canopy area.
- (b) Canopy. If used, must be a portable folding canopy only. One canopy shall be permitted (not required), shall be white in color, shall not contain any writing and shall not exceed ten × 20 feet in size.
- (c) Vending structures must be removed from the open vending site when the vendor is not doing business and during restricted hours of operation.
- (d) Vending structures must be in good repair at all times.
- (e) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.
- (f) All storage of merchandise shall be beneath the skirted tables.
- (g) If signage is allowed, no more than one sign which shall not exceed two × three feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.
- (h) A description of the structure and the hours of operation shall be included in the site plan.

Is hereby repealed in its entirety with the following being substituted in lieu thereof:

Section 30-1467: Aesthetic standards for Short-term Merchandise Vending

- (a) Vending is permitted from skirted tables only. Table must be a portable folding table only and shall not extend beyond the perimeter of the covered canopy area.
- (b) Canopy must be a portable folding canopy only. One canopy shall be permitted, not to exceed 10 x 10 feet in size and shall not contain any writing.
- (c) Vending structures must be removed from the vending site when the vendor is not doing business and during restricted hours of operation.
- (d) Vending structures must be in good repair at all times.
- (e) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.
- (f) A description of the structure and the hours of operation shall be included in the site plan.
- (g) If signage is allowed no more than one sign which shall not exceed 2 x 3 feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used. Handwritten signage is prohibited.
- (h) A description of the structure and the hours of operation shall be included in the site plan.

Section 4: A new Section 30-1468 entitled **Athletic and Entertainment Vending** is hereby created which shall provide as follows:

- (a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. A vendor permit for a private property vending location will be

issued for a one-year period. When the one-year permit expires, a vendor may apply for a new one-year permit.

Section 5: A new Section 30-1469 entitled **Prohibitions and Restrictions; Athletic and Entertainment Vending** is hereby created which shall provide as follows:

- (a) In addition to the provisions set forth in subsection 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:
 - (1) Within 15 feet of any street intersection or pedestrian crosswalk.
 - (2) Within ten feet of any driveway.
 - (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
 - (4) Within a minimum of nine feet of unobstructed pedestrian space.
 - (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.
 - (6) Within 1,500 feet of a permanent business selling the same or similar products. This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.
- (b) Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.
- (c) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.
- (d) Hours of operation shall be 5:00 a.m. to 2:00 a.m.
- (e) Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.
- (f) If signage is allowed no more than one sign which shall not exceed 2 x 3 feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used. Handwritten signage is prohibited.

Section 6: A new Section 30-1470 entitled **Aesthetics; Athletic and Entertainment Vending** is hereby created which shall provide as follows:

- (a) Vending is permitted from skirted tables only. Tables shall not extend beyond the perimeter of the covered canopy area.
- (b) Canopy. If used, must be a portable folding canopy only. One canopy shall be permitted (not required), shall not contain any writing and shall not exceed 10 x 20 feet in size.
- (c) Vending structures must be removed from the open vending site when the vendor is not doing business and during restricted hours of operation.
- (d) Vending structures must be in good repair at all times.
- (e) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.
- (f) All storage of merchandise shall be beneath the skirted tables.

(g) If signage is allowed, no more than one sign which shall not exceed two × three feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.

(h) A description of the structure and the hours of operation shall be included in the site plan.

Section 7: Section 30-1485 (a) which currently provides as follows:

(a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be two years. A vendor permit for a private property vending location will be issued for a one-year period. When the one-year permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another one-year period. After a vendor has been issued a renewal permit to vend on the same parcel of land for an additional year, the vendor, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), may not vend at such location and may not renew a vending permit for such location for two years. At the expiration of the two-year vending term, the property owner shall not allow another vendor to vend on said property for a period of 90 days.

is hereby repealed in its entirety with the following being substituted in lieu thereof:

Sec. 30-1485 Term and renewal of permits; Short-term Merchandise Vending

(a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)-(d) shall be 14 days. Permit locations shall not be transferable and no more than five permits per calendar year shall be issued for the same location. Permits shall not be issued that allow the same vendor to remain at the same location for more than 14 consecutive days.

Section 8: To the extent that any ordinance is in conflict herewith, this ordinance shall control.

AN ORDINANCE

07-0-1905

BY COUNCILMEMBER MARY NORWOOD

TO AMEND ARTICLE XXIV VENDING ON
PRIVATE PROPERTY; AND FOR OTHER
PURPOSES.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
ATLANTA, GEORGIA as follows:

Section 1. Sec. 30-1461. Definitions is hereby amended to include the following:

Short term Merchandise Vending means the commercial enterprise of selling merchandise to the general public on private property for a period not in excess of 14 days. Short Term Merchandise Vending shall not include that sale of perishable goods or services and cannot be combined with any other permit.

Athletic and Entertainment Vending means the commercial enterprise of selling merchandise to the general public on private property directly related to and within 1500 feet of any Athletic or Entertainment Venue the day of the event.

Section 2. Sec. 30-1464. Vending Restrictions and Prohibitions is hereby amended to include the following

(a) In addition to the provisions set forth in subsection 16-28.008(10), persons vending on private property shall not be permitted to operate in the following areas:

- (1) Within 15 feet of any street intersection or pedestrian crosswalk.
- (2) Within ten feet of any driveway.
- (3) Within 15 feet of another vending location assigned pursuant to article XXIII of this chapter to another vendor on a public sidewalk.
- (4) Within a minimum of nine feet of unobstructed pedestrian space.
- (5) Any area within 15 feet of a building exit, or in the case of a hotel or motel, within 50 feet of building entrances or exits.
- (6) Within 1,500 feet of a permanent business selling the same or similar products. ~~This provision shall not apply to vendor sites located near athletic and entertainment venues which have a seating capacity in excess of 3,500 persons.~~
- (7) **Within 1,500 feet of another validly permitted private property vendor.**

(b) Any power sources must be depicted on the site plan and must meet all applicable electrical code standards.

(c) Vending structures shall not be left unattended or stored at any time on the open vending site when vending is not taking place or during restricted hours of operation.

(d) Hours of operation shall be 5:00 a.m. to 2:00 a.m.

(e) Amplified sound or sound equipment must comply with the City of Atlanta Noise Ordinance.

(f) Any and all signage must comply with the City of Atlanta Sign Ordinance.

(g) The site plan must show that the available parking spaces on the property on which the vending site is located, exceeds the minimum parking requirements pursuant to the City's Zoning Ordinance, in order to accommodate the vending customers as well as the customers of the permanent business located on the property.

(h) Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.

(i) Hours of operation shall be 8 a. m. to 8 p. m.

(j) Amplified sound or sound equipment is prohibited.

SECTION 3: Sec. 30-1485. Term and renewal of permits. is hereby amended to include the following

(a) In order to commence vending on private property, all vendors must have an initial permit issued and must meet all the qualifications set forth herein before reapplying for a permit. The length of time that a vendor on private property may remain on such property, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), shall be **14 days. Permit locations shall not be transferable and no more than two permits per calendar year shall be issued for one address.** A vendor permit for a private property vending location will be issued for a 45-day period and will expire on the 45th day. When the 45-day permit expires, a vendor may apply for a renewal permit which allows the vendor to vend for another 45-day period. After a vendor has been issued renewal permits to vend on the same parcel of land for one year, the vendor, excluding those holding a food permit as set out in section 30-1482(a), but including those holding a merchandise, service or combination permit as set out in section 30-1482(b)—(d), may no longer vend at such location and may not renew vending permits for such location. Each year, on the anniversary date of the issuance of the initial vending permit, vendors who desire to continue vending on private property must submit a new initial application form and the appropriate initial permit fee.

SECTION 4: Sec. 30-1467. Aesthetic standards. is hereby amended to include the following:

(a) Vending is permitted from skirted tables only. ~~Tables shall not extend beyond the perimeter of the covered canopy area.~~ **Tables are restricted to one (1) portable folding table only, not to exceed 4 x 8 feet in size.**

(b) Canopy. If used, must be a portable folding canopy only. One canopy shall be permitted (not required), shall be white in color, shall not contain any writing and shall not exceed ten x ~~20~~ **10** feet in size.

(c) Vending structures must be removed from the open vending site when the vendor is not doing business and during restricted hours of operation.

(d) Vending structures must be in good repair at all times.

(e) Merchandise shall be displayed on the table only and shall be stored within the interior area of the canopy.

(f) All storage of merchandise shall be beneath the skirted tables.

(g) If signage is allowed, no more than one sign which shall not exceed two × three feet in size and displayed only on or attached to the vending table. Any such sign shall be included in the site plan, if signage is to be used.

(h) A description of the structure and the hours of operation shall be included in the site plan.

(i) Canopy structures supported or anchored by ropes, containers, or similar devices are prohibited.

(j) Vending structures must be removed from the vending site when the vendor is not doing business and during restricted hours of operation.

(k) Merchandise shall be displayed on the table only and shall not be higher than one level at any point, or displayed above or below table level at any time.

Section 5: That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.